

Applicants: Sijpkes et al.
Application No: 10/587,108

Response to Restriction Requirement dated April 3, 2009
Restriction Requirement dated March 6, 2009
Page 8

REMARKS

The application is subject to a restriction requirement. The Examiner requires restriction among the species of the claimed invention as shown in claims 33-63.

Applicants provisionally elect Group II. The restriction requirement, however, is respectfully traversed and reconsideration is requested in view of the following remarks.

The Examiner has restricted the invention under 35 U.S.C. §121 into the following groups:

- Group I. Claims 33-52, drawn to a method of preparing chromium-free catalyst;
- Group II. Claims 53-62, drawn to chromium-free catalyst; and
- Group III. Claim 63, drawn to the use of chromium-free catalyst.

Applicants provisionally elect to prosecute Group II, claims 53-62, with traverse.

Applicants respectfully submit that the claims of Groups I through III all contain a common special technical feature, i.e., chromium-free catalyst. The Examiner has stated that the inventions lack a common special technical feature because the claims of Group I includes method steps for the preparation of chromium-free catalyst, the claims of Group II includes compositions for chromium-free catalyst, and Group III includes the use of chromium-free catalyst. Such reasoning by the Examiner clearly contravenes PCT Rule 13.1 because claims with a common special technical feature have unity of invention even though the claims may be drawn to different categories.

Accordingly, Applicants respectfully request that the requirement for restriction to be withdrawn and consideration of all the claims on the merits be commenced.

Applicants: Sijpkes et al.
Application No: 10/587,108

Response to Restriction Requirement dated April 3, 2009

Restriction Requirement dated March 6, 2009

Page 9

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,

/John S. SOPKO, Reg. # 41,321/

John S. Sopko
Reg. No. 41,321
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700